



Community Planning & Development Department

BOARD OF ADJUSTMENT (BOA) GENERAL REQUIREMENTS AND PROCEDURES APPLYING FOR A VARIANCE OR SPECIAL EXCEPTION USE

Please read the following information on the general requirements and procedures of the Board of Adjustment. Incomplete applications will not be accepted. For questions concerning the Board of Adjustment application requirements and procedures, please contact the Community Planning & Development Department at **(305) 893-6511, Extension 12139**. **Unless told otherwise by the Zoning Administrator, all applicants must schedule a meeting with staff to explain their request and go over the application requirements.**

Board of Adjustment Members

The Board of Adjustment consists of current residents of North Miami who have been appointed by a member of the North Miami City Council.

Submittal Dates/Meeting Dates and Times

The Board of Adjustment shall meet on the third (3rd) Wednesday of every other month at 6:30 p.m. in the City Council Chambers in City Hall, which is located at 776 N.E. 125 Street.

Board of Adjustment Procedure

1. Fill out the "Development Application" which is included in this packet. **Your Petition (Development Application) will not be processed unless your application is complete.** The required attachments are listed on the following page.
2. The Petition and all attachments must be filed no later than 3:00 p.m. on the day of the filing deadline in order to be placed on the Board of Adjustment meeting agenda for the following month. You must also pay the filing fee. The deadline dates and applicable fees are listed on the last page of the packet.
3. You will be contacted to pick up a Public Notice Sign seven days prior to the Board of Adjustment meeting date. The sign must be conspicuously posted on your property one week prior to the meeting and remain posted until final action.
4. If your Petition is for a Special Exception Use for the Sale of Alcoholic Beverages or for a new business, you must also apply for a Certificate of Use and a Business Tax Receipt if the request is approved.
5. The Board of Adjustment meetings start at 6:30 p.m. and are held in the City Council Chambers on the 2nd floor of City Hall, 776 N.E. 125 Street, North Miami, Florida. The meetings are open to the public. For additional information, call the Department of Community Planning & Development. The department is located at 12400 N.E. 8 Avenue, North Miami, Florida 33161.
6. **You must obtain a building permit from the Department of Building and Zoning within one year of the date of the variance or special exception use approval. An extension of time may be granted by the Building and Zoning Department for good cause, for a period not to exceed six (6) months for a variance and twelve (12) months for a Special Exception, and only if requested within the original period of validity. AFTER THE ORIGINAL PERIOD OF VALIDITY, THE APPROVAL BECOMES NULL AND VOID**

REQUIRED DOCUMENTS:

- ☐ **Petition to Appear before the Board of Adjustment (Development Application).**
- ☐ **A letter of intent** clearly explaining what it is you propose to do. If a business, include the type and nature of business, the days and hours of operation, the number of employees on the largest shift and the square footage occupied by the business.
- ☐ All variance requests must include a statement of hardship, or what the hardship is that necessitates the variance request. Please state how the request complies with four (4) of six (6) of the following standards:
 - 1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
 - 2. The unusual circumstances or conditions necessitating the variance request are present in the neighborhood and are not unique to the property.
 - 3. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.
 - 4. The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
 - 5. The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
 - 6. The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.
- ☐ All Special Exception use application. Please state how the request complies with the following standards:

Applications for special exceptions shall demonstrate compliance

 - A. The use is a listed special exception in the district where the property is located.
 - B. There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion.
 - C. There are adequate parking areas and off street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons, and the layout of the parking is convenient and conducive to safe operation.
 - D. There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.

- E. The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and transportation.
- F. The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of the surrounding property or from the character of the neighborhood.

☐ One Original and One Copy of the following: **(14 copies required if larger than 11" x 17")**

☐ A current survey of the property

☐ Site Plan including existing and proposed parking and landscape

☐ Floor Plan indicating how building will be used and square footage

☐ **A certified map and two sets of mailing labels** indicating the names and address of property owners within a 500-foot radius of the subject property (for public notice requirements). A list of some of the companies that perform this service are:

Florida Real Estate Decisions (305) 757-6884
Real Estate Data Researcher (305) 207-1412

Lopez Data Research (305) 451-5502
Consuelo Quintana (305) 858-2287

SUBMITTAL OF AN APPLICATION

* Applications will not be processed unless all requirements have been submitted by the submittal deadline.

Application Submittal Deadline	Board of Adjustment Hearing
January 22, 2014	February 19, 2014
March 12, 2014	April 16, 2014
May 14, 2014	June 18, 2014
July 16, 2014	August 20, 2014
September 10, 2014	October 15, 2014
November 12, 2014	December 17, 2014

All applications and fees shall be submitted in person between the hours of 8:30 a.m. and 3:00 p.m., Monday through Friday to:

Department of Community Planning & Development
12400 N.E. 8th Avenue
North Miami, FL 33161

Please note that all **incomplete** applications submitted will be discarded after 60 days from submittal date without notice